



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Agriculture

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-09-083 _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 16-160 WAC Registration of Materials For Organic Food Production

Hearing location(s):

Natural Resources Building, 2nd Floor, Room 259
1111 Washington Street
Olympia WA 98504-2560

Date: August 25, 2010 Time: 2:30 PM

Submit written comments to:

Name: Teresa Norman
Address: PO Box 42560, Olympia WA 98504-2560

e-mail WSDARulesComments@agr.wa.gov
fax (360) 902-2092 by (date) 5:00 PM August 25, 2010

Assistance for persons with disabilities: Contact

Julie Carlson by August 19, 2010

TTY (800) 833-6388 or (360) 902-1880

Date of intended adoption: September 8, 2010

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the rule is to update Chapter 16-160 WAC pertaining to the registration of materials for use in organic food production and processing. The Organic Food Program operates a registration program for brand name material inputs that comply with the USDA National Organic Standards. This list is used by certified organic producers and processors to assist in ensuring the material inputs that are used will not jeopardize their certification.

In January 2010, the department sought legislative approval for changes to Chapter 15.86 RCW to clarify the authority of the program to operate the brand name registration program. The resulting changes to Chapter 16-160 WAC are needed to bring statute and rule into alignment. The changes to Chapter 16-160 WAC includes clarifying application requirements and outlining inspection requirements and recordkeeping requirements.

Reasons supporting proposal: The brand name material registration program continues to grow in the number of applicants seeking approval and listing on the Brand Name Material List. Currently, the list consists of approximately 600 products, with over 200 companies applying. The rule will ensure that the applications are complete and that the inspection and recordkeeping requirements are clear to applicants. The result will be a list of material inputs that comply with organic standards and continued compliance of certified organic operations.

Statutory authority for adoption: Chapter 15.86 RCW

Statute being implemented: Chapter 15.86 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE

July 19, 2010

NAME (type or print)

Jerry Buendel

SIGNATURE

TITLE

Assistant Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 19, 2010

TIME: 8:07 AM

WSR 10-15-076

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) WSDA Organic Food Program

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Marty Beagle	Olympia	360-902-1924
Implementation....Marty Beagle	Olympia	360-902-1924
Enforcement..... Marty Beagle	Olympia	360-902-1924

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

Fees are in statute and have not been changed as a result of this rule change. Participation in the registration program is voluntary and not required in order to sell or represent a material input as "organic" or as "allowed in organic production."

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: WSDA is not a listed agency under RCE 34.05.328(5)(a)(i). RCW 34.05.328 regulates "significant

legislative rules" and RCW 34.05.328(5)(a)(i) lists the specific state agencies that are considered "significant legislative rule agencies." WSDA is not listed, therefore, we do not consider ourselves to be a "significant legislative rule agency." In addition, Section 309 (for the Department of Agriculture) of Chapter 372, Law of 2006 provide that: (2) Fees and assessments approved by the department in the 2005-2007 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.